

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: Methyl Tertiary Butyl Ether (“MTBE”)  
Products Liability Litigation

**Master File No. 1:00 – 1898  
MDL 1358 (SAS)  
M21-88**

This Document Relates To:

The Honorable Shira A. Scheindlin

*Orange County Water District v. Unocal Corporation,  
et al.*, Case No. 04 Civ. 4968 (SAS)

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**NOTICE OF MOTION AND  
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT  
DUE TO LACK OF INJURY AND DAMAGES AT CERTAIN TRIAL SITES**

PLEASE TAKE NOTICE that Defendants<sup>1</sup> hereby move for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on Plaintiff Orange County Water District’s (“OCWD’s”) claims at four of the designated focus trial sites: the former Beacon Bay Auto Wash at 10035 Ellis Avenue, Fountain Valley (“Beacon Bay FV”); Unocal #5399, 9525 Warner Avenue, Huntington Beach (“Unocal #5399”); Unocal #5123, 14972 Springdale Street, Huntington Beach (“Unocal #5123”); and Thrifty 368, 6311 Westminster Boulevard, Westminster (“Thrifty 368”).

This Motion is made on the grounds that for all four of these sites, OCWD’s designated expert in hydrogeology, Anthony Brown, is unable to testify that any additional remediation is needed at any of these sites, and cannot testify that these sites pose any threat to water supply

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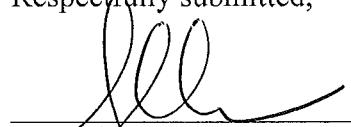
<sup>1</sup> Atlantic Richfield Company, BP West Coast Products LLC, and BP Products North America, Inc. (collectively, “BP”), ARCO Chemical Company and Lyondell Chemical Company (collectively “Lyondell”); Shell Oil Company, Equilon Enterprises LLC, and Texaco Refining and Marketing Inc. (the “Shell Defendants”); Tesoro Corporation (formerly known as Tesoro Petroleum Corporation) and Tesoro Refining and Marketing Company (erroneously named as Tesoro Refining and Marketing Company, Inc.) (collectively, “Tesoro”); Union Oil Company of California (“Union Oil”); and Valero Marketing and Supply Company, Valero Refining Company-California, and Ultramar Inc.

wells or deeper aquifers, and thus, OCWD cannot establish the existence of any compensable injury at these sites.

This Motion is based upon this Notice, the concurrently filed Memorandum of Law, the Declaration of Peter C. Condron, Defendants' Local Rule 56.1 Statement of Material Facts, and upon the pleadings and papers on file with the Court.

Dated: June 6, 2014

Respectfully submitted,



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Attorneys for Defendants  
Shell Oil Company, Equilon Enterprises LLC, and  
Texaco Refining and Marketing Inc.

And on behalf of the Defendants listed on  
Attachment A.

**ATTACHMENT A**

Atlantic Richfield Company

ARCO Chemical Company

BP Products North America, Inc.

BP West Coast Products LLC

Equilon Enterprises LLC

Lyondell Chemical Company

Shell Oil Company

Tesoro Corporation (formerly known as Tesoro Petroleum Corporation)

Tesoro Refining and Marketing Company (erroneously named as Tesoro Refining and Marketing Company, Inc.)

Texaco Refining and Marketing Inc.

Ultramar Inc.

Union Oil Company of California

Valero Marketing and Supply Company

Valero Refining Company-California